

Application No. 10/604,538  
Reply dated May 17, 2010  
Reply to Office Action of February 17, 2010

**REMARKS**

**Summary of the Office Action**

Claims 29-36, 38-48, and 50-59 were pending in this application.

The Examiner rejected claims 29-33, 38, 41-45, 50, and 53-59 under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis U.S. Patent Application Publication No. 2002/0174430 ("Ellis") in view of Rowe U.S. Patent No. 5,812,123 ("Rowe") and further in view of Kaminski U.S. Patent Application Publication No. 2002/0199185 ("Kaminski"). Claims 34-36, 39, 40, 46-48, 51, and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Rowe and further in view of Kaminski and Lajoie U.S. Patent No. 5,850,218 ("Lajoie").

**The Information Disclosure Statement**

The Examiner did not consider the Information Disclosure Statement dated February 11, 2010, because the Examiner contends that it does not comply with 37 C.F.R. § 1.98(a)(2), which requires, *inter alia*, a legible copy of each foreign patent document and non-patent literature document. However, applicants submitted no such documents. As can be seen on the Information Disclosure Statement Form PTO/SB/08a, applicants submitted two U.S. Patent Documents and one U.S. Patent Application Publication. Pursuant to 37 C.F.R. § 1.98(a)(2)(ii) no copies of U.S. Patents or U.S. Patent Publications need be provided.

Accordingly, applicants respectfully submit that the Information Disclosure Statement filed on February 11, 2010 fully complies with 37 C.F.R. §§ 1.97 and 1.98 and, pursuant to MPEP 609, the Examiner has an obligation to consider the information.

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Summary of Applicants' Reply

Applicants have added new claim 60 in order to more particularly define the claimed invention. No new matter has been added, and the new claim is fully supported by the originally filed application (*see, e.g.*, applicants' specification at ¶ 132).

The Examiner's rejections are respectfully traversed.

Applicants' Reply

Independent Claims 29 and 41

Applicants' claims 29 and 41 patentably improve upon Ellis by displaying, in response to a user selection of a series in a list, an option to change the position of the selected series to modify the recording priority assigned to the selected series.

The Examiner concedes this point on page 5 of the Office Action, where the Examiner states that "even though the move up and move down icons are displayed the entire time, the option to change the position of a particular series will not be available until after that particular series is selected." The operation of Ellis' move up/move down icons is irrelevant to the fact that the icons are always displayed regardless of whether a series has been selected. Applicants' claims require that the option to change the position of a selected series is displayed in response to a user selection of a series.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03; quoting In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The Examiner, however, has not done that here. Applicants' claims require displaying the option to change the position of a selected series in response to a user selection of the series. Instead of considering each and every

word in applicants' claims, the Examiner has completely disregarded the limitation that the option to change the position of the selected series must be displayed in response to a user selection of the series. On this basis alone, applicants' claims 29 and 41 are patentable over Ellis.

In an attempt to remedy the deficiencies of Ellis, the Examiner now relies of Rowe. The Examiner contends that Rowe's arrow tabs 67 within viewing panel 58 would be combined with Ellis' move up/move down icons. In particular, the Examiner contends that:

Rowe teaches displaying, in response to a user selection of a television program, an option to change the position of the cursor in the list, i.e. an up arrow and down arrow are both displayed in a floating bar whenever a television program is selected.

Office Action, page 5. First, applicants' claims require displaying an option to change the position of a series within a list, not to change the position of only the cursor. Regardless, Rowe's viewing panel 58 is fixedly located in the screen and does not move at all. The arrow tabs 67 indicate the direction that focus frame 60 can move along viewing panel 58 (i.e., left/right), and the directions a user can scroll the tiles of the selected display (i.e., up/down). See Rowe, col. 8, ll. 36-41. When a user presses up/down in Rowe, viewing panel 58 stays fixed in the middle row and the channels move relative to viewing panel 58, but do not change positions relative to one another. Accordingly, Rowe does not make up for the deficiencies of Ellis relative to the rejection.

Kaminski was cited as allegedly showing other features of applicants' claims and fails to make up for the deficiencies of Ellis and Rowe relative to the rejection.

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Therefore, Ellis, Rowe, and Kaminski, taken alone or in combination, fail to show or render obvious each and every feature of applicants' claims.

Accordingly, applicants respectfully submit that claims 29 and 41, and claims 30-36, 38-40, 42-48, and 50-60, which depend, directly or indirectly from claim 29 or 41, are patentable.

Dependent Claim 59

Claim 59 depends from patentable claim 29 and therefore is also patentable. Moreover, claim 59 is patentable for the additional independent reasons set forth below.

Dependent claim 59 further specifies that the first series is displayed in a floating bar in response to the second user selection of the first series. Icons within the floating bar that indicate change in relative priority move with the floating bar as a position of the first series (and thereby a position of the floating bar) is changed within the list.

Ellis, Rowe, and Kaminski, taken alone or in combination, do not show or render obvious an icon that indicates change in relative priority and moves with a floating bar as the position of the series within the list is changed. As discussed above, Ellis' move up/move down options are fixed at the bottom of the screen. In addition, Rowe's viewing panel 58 and arrow tabs 67 are fixed in the middle row of the display (the "tiles" 80 move relative to viewing panel 58), and thus Rowe does not show or render obvious moving the panel 58 and tabs 67 concurrently with a series as the position of the series is changed. Accordingly, Ellis, Rowe, and Kaminski, taken alone or in combination, do not show or render obvious each and every feature of applicants' claim 59.

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For at least this additional independent reason, applicants respectfully submit that dependent claim 59 is patentable.

New Claim

Claim 60 depends from patentable claim 59 and therefore is also patentable. Moreover, claim 60 is patentable for the additional independent reasons set forth below.

Dependent claim 60 further specifies that the position of the selected first series within the list is changed in response to a single keystroke on the user input device. According to Ellis, when a user has selected a desired listing, the user must press right/left navigation keys to access move up/move down options and then press a remote control "OK" key (see Ellis, ¶ 358). This is not a single keystroke. As discussed above, Rowe does not teach changing the relative position of a series in a list. When a user presses up/down in Rowe, viewing panel 58 stays fixed in the middle row and the channels move relative to viewing panel 58, but do not change positions relative to one another. Accordingly, Ellis, Rowe, and Kaminski, taken alone or in combination, do not show or render obvious each and every feature of claim 60.

For at least this additional independent reason, applicants respectfully submit that dependent claim 60 is patentable.

Conclusion

For the reasons stated above, applicants respectfully submit that this application is in condition for allowance.

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Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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